

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1204 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

GLOBE SCOTT MOTORS PVT LTD

Versus

REGIONAL P.F COMMISSIONER

Appearance:

MR KA PUJ for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/08/1999

ORAL JUDGEMENT

Heard learned counsel for the petitioner and perused the impugned order of the Regional Provident Commissioner, Ahmedabad dated 4/1/1995 made in exercise of his powers under Section 14B of the Employees Provident Fund and Misc. Provisions Act, 1952 under which the damages of Rs.80,076/- has been imposed upon the petitioner for delayed payment of the amount of the contribution of the Provident Fund etc. This petition has been admitted by

this court on 2/8/95 and the operation of the order of the Regional Provident Fund Commissioner, Ahmedabad was stayed and the same continues till day. The day on which this Special Civil Application was filed by the petitioner that order was not appealable as the Appellate Tribunal was not constituted. Now the Central Government has already constituted Appellate Tribunal for hearing the appeals against such orders of the Regional Provident Fund Commissioner and as such this petition cannot be entertained.

In the result, rule stands disposed of in the term that the petitioner is at liberty to file appeal against this order before the appellate authority within a period of 2 months from today and in case it prefers appeal against the impugned order with this period, the same may not be dismissed on the ground of limitation. This interim relief, which has been granted by this court shall continue for the period of 2 months. The Appellate Tribunal then consider the question of the continuation or vacation of interim relief in accordance with law without influence of the fact that this court has granted the interim relief in favour of the petitioner in this case. No order as to costs.

(S.K.Keshote, J.)

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